



1648
J. Yun

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: ZAGURY et al

Application No.: 09/763,369

Conf. No. 9905

Filed: May 22, 2001

For: METHOD FOR DETERMINING PROGNOSIS OF HIV...

Art Unit: 1648

Examiner: J. S. Parkin

Washington, D.C.

Atty.'s Docket: ZAGURY3A

Date: October 6, 2005

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

Transmitted herewith is a [XX] Response [XX] Declaration under 37 CFR §1.132

in the above-identified application.

[XX] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[] The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR
TOTAL	* 2	MINUS	** 20
INDEP.	* 1	MINUS	*** 3
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
x 25	\$		x 50	\$
x 100	\$		x 200	\$
+ 180	\$		+ 360	\$
ADDITIONAL FEE TOTAL			TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [] First - \$ 60.00
- [] Second - \$ 225.00
- [] Third - \$ 510.00
- [] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- [] First - \$ 120.00
- [] Second - \$ 450.00
- [] Third - \$ 1020.00
- [] Fourth - \$ 1590.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$_____.

[] A check in the amount of \$_____ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

Facsimile: (202) 737-3528
Telephone: (202) 628-5197

By: Allen C. Yun
Allen C. Yun
Registration No. 37,971

*A. Weimer
20520*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: ZAGURY3A

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)	
ZAGURY et al.)	Examiner: J. S. Parkin
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Date Filed: May 22, 2001)	Confirmation No. 9905
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For: METHOD FOR DETERMINING)	October 6, 2005
PROGNOSIS OF HIV...)	

RESPONSE

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop **Amendment**
401 Dulany Street
Alexandria, VA 22314

Sir:

This communication, along with the executed Dr. Jean-François ZAGURY declaration attached hereto, supplements the amendment filed June 15, 2005. As this response is filed within the three month period for suspension of action granted on petition July 14, 2004, entry and consideration with the amendment of June 15, 2005, are respectfully requested.

The attached 1.132 declaration executed by Dr. Jean-François ZAGURY presents the raw data used to generate Tables 2 and 3 of Example 1 on pages 13 and 15 of the present specification, which clearly confirm the high correlation between the anti-tat antibody and p24 antigen markers and progression or non-

progression towards AIDS. Accordingly, the outstanding rejection under 35 U.S.C. §112, first paragraph, for lack of enablement is overcome. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By Allen C. Yun
Allen C. Yun
Registration No. 37,971

ACY:pp
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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*by
J. Neimark
Reg. 20520*